

**STATE OF COLORADO
DIVISION OF ADMINISTRATIVE HEARINGS**

**OPTION TO ENGAGE IN
ALTERNATIVE DISPUTE RESOLUTION
(MEDIATION)**

CASE NAME: _____

CASE NUMBER: _____

This agency disciplinary proceeding will be scheduled for hearing before an administrative law judge of the Division of Administrative Hearings ("the Division"). The Division encourages parties to use alternative methods of dispute resolution and offers to the agency and respondents the opportunity to engage in mediation.

Mediation is a process in which a neutral third party meets with the parties to assist them in reaching a negotiated settlement of the disciplinary proceeding. If the parties are able to reach an agreement in this way, they will control the outcome of the disciplinary case by agreeing to a solution, rather than having a solution imposed upon them by an administrative law judge after a hearing.

In mediation, the mediator facilitates communication between the parties in a private, confidential and informal meeting. If a party has an attorney, the attorney will participate. The mediator has no decision-making authority; no settlement or solution to the disciplinary case will be achieved unless both parties are in agreement. A mediator can often help the parties generate creative options to resolve the disciplinary case, even though those options would not be available if the case proceeded to a hearing before an administrative law judge. Mediators may be able to assist the parties in reaching a settlement even where the parties' prior, unassisted negotiations have failed to result in an agreement.

If both parties agree to mediate this disciplinary case they may notify the Division of Administrative Hearings, which will assign an administrative law judge or other qualified mediator to conduct the mediation. A mediator acts in a completely confidential manner and has no contact with the judge to whom the case is assigned for hearing.

The parties should indicate whether they wish to engage in mediation by completing the information on the reverse side of this form. The respondent should return the completed form to the Division of Administrative Hearings, along with the answer to the Notice of Charges or Formal Complaint.

**AGENCY'S ELECTION TO MEDIATE
(CHECK THE APPROPRIATE BOX)**

☐The agency in the disciplinary proceeding described on the front of this form believes that mediation of this dispute is appropriate and elects to engage in mediation at the Division of Administrative Hearings.

☐The agency in the disciplinary proceeding described on the front of this form chooses not to engage in mediation at this time.

(Signature of Agency Official or
Assistant Attorney General)

(Date)

RESPONDENT'S ELECTION TO MEDIATE

(CHECK THE APPROPRIATE BOX)

☐The respondent named below believes that mediation of this dispute is appropriate and elects to engage in mediation at the Division of Administrative Hearings.

☐The respondent named below chooses not to engage in mediation at this time.

Name of Respondent (Print or Type)

(Signature of Respondent or
Respondent's Attorney)

(Date)

THE RESPONDENT MUST RETURN THIS FORM TO THE DIVISION OF ADMINISTRATIVE HEARINGS, ALONG WITH THE ANSWER TO THE NOTICE OF CHARGES OR FORMAL COMPLAINT, EVEN IF THE RESPONDENT HAS CHOSEN NOT TO ENGAGE IN MEDIATION. THE ADDRESS OF THE DIVISION OF ADMINISTRATIVE HEARINGS IS 1120 LINCOLN STREET, SUITE 1400, DENVER, CO 80203. A COPY OF THIS FORM AND THE ANSWER OF THE RESPONDENT SHOULD ALSO BE SENT TO THE ATTORNEY GENERAL.